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Attorney for Defendant,
MARCUS ASAY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.)	CASE NO.: 1:22-CR-00162-DAD-BAM
)	
Plaintiff,)	
)	STIPULATION AND ORDER TO
v.)	CONTINUE STATUS CONFERENCE OF
)	
MARCUS ASAY)	AUGUST 27, 2025
)	
Defendant.)	

**TO THE HONORABLE COURT AND TO THE ASSISTANT UNITED STATES
ATTORNEY:**

The defendant, Marcus Asay, by and through his counsel, Anthony P. Capozzi and the Plaintiff, United States of America through the Assistant United States Attorney, Michael G. Tierney, hereby stipulate that the status conference set for August 27, 2025, be continued to September 10, 2025 at 1:00 p.m., since the defense counsel, Anthony P. Capozzi needs additional time to contact Mr. Asay regarding the trial date of October 28, 2025 for preparation and possible preparation of transport orders who is presently serving a 60 month sentence at the United States Bureau of Prisons in Springfield, Missouri.

The parties further stipulate that time be excluded under the Speedy Trial Act for defense preparation and continuity of counsel.

1 DATED: August 20, 2025

By: /s/ Anthony P. Capozzi
ANTHONY P. CAPOZZI, Attorney for
MARCUS ASAY

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5 Dated: August 20, 2025,

ERIC GRANT
United States Attorney

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7 By: /s/ Michael G. Tierney
MICHAEL G. TIERNEY
Assistant United States Attorney

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9 **ORDER**

10 The status conference currently set for August 27, 2025, is continued to **September 10,**
11 **2025 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** The trial confirmation of
12 September 22, 2025 and jury trial of October 28, 2025 shall remain as set. Time was previously
13 excluded through October 28, 2025. The parties shall meet and confer and file a joint status
14 report, not later than September 8, 2025, informing the Court of (1) whether the parties anticipate
15 they will be ready to proceed to trial as scheduled; (2) what kind of motions and the number of
16 motions each party anticipates will need to be resolved in advance of trial (e.g., in limine, motion
17 to dismiss, suppression, other motions), (3) a proposed briefing schedule for resolution of the
18 motions in advance of trial, and (4) any other information to aid the Court in keeping the trial
19 date currently scheduled.

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21 IT IS SO ORDERED.

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24 Dated: **August 21, 2025**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE